



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

CRIMINAL & JUVENILE JUSTICE PLANNING ADVISORY COUNCIL

MINUTES OF REGULAR MEETING--CORRECTED

**Jessie Parker Building
Grant Room
510 E. 12th Street
Des Moines, Iowa**

September 21, 2016

Present: Tom Walton, Chair; Mardi Allen; Kim Cheeks; Tom Ferguson; John Hodges; Mary Kovacevich; Michelle Leonard; Amber Markham; Lettie Prell; Sherri Soich; Kurt Swaim; Tony Thompson; **Ex-Officio:** Hon. Jeffrey Neary

Staff: Steve Michael; Kile Beisner; Julie Rinker; Lanette Watson

Others: Betty Andrews; Jean Basinger; Laura Book; Jackie Cale; Cathy Engel; JoAnn Finkenbinder; Bill Freeland; Pamela Hays; Anna Hyatt; Erica Johnson; Russell Lovell; Kelly Meyer; Marty Ryan; Arnold Woods

I. Call to Order, Welcome, and Introductions

Tom Walton, Chair, called the meeting to order at 10:05 a.m. A quorum was present.

II. Approval of Minutes— May 18, 2016

Kurt Swaim moved to approve the minutes from the May meeting, seconded by Sherri Soich. There was no discussion and the motion was unanimously approved.

III. Division Update

Steve Michael announced that Kim Cheeks, Office on the Status of African-Americans, was the recipient of the "History Maker Award" through the African-American Museum in Cedar Rapids. Members congratulated Cheeks on this achievement.

With regard to the 2017-18 budget year, additional funds for one researcher have been requested for the Results First project.

The Bureau of Justice Assistance Statistical Analysis Center grant includes a request to fund an evaluation regarding the quality of services within the Office of the Public Defender. The project includes monitoring and tracking a new pilot project. The remaining request relates to domestic violence and sexual assault.

CJJP is participating in a group seated by State Court Administration to standardize best practices in drug courts. CJJP may be providing data to that group.

A new staff member has been hired under a contract with the Department of Human Services to collect data and track youth who are aging out of the foster care system. Surveys will be conducted on these youth at ages 17, 19, and 21. The National Youth in Transition Database (NYTD) project begins October 1.

IV. DHR Board Member

Michael explained that Sherri Soich has been serving as the Council's representative on the Department of Human Rights (DHR) Board and that her term on the Board has expired. Although Soich was willing to continue, she wanted others to have the opportunity to serve. Hon. Jeffrey Neary expressed interest in serving and would consult with his superiors to see if there would be any issues.

Soich nominated Judge Neary conditional on approval by his superiors.¹ There were no other nominations. Through a unanimous vote to approve, Judge Neary was appointed as the Council's representative on the DHR Board.

V. NAACP – Anti-Racial Profiling

Betty Andrews, President of the Iowa/Nebraska NAACP, provided an overview of issues related to overrepresentation of African-Americans in Iowa's criminal justice system. An ACLU report placed Iowa as number one for African-American drug arrests. The NAACP is taking a strong look to move things into action. She noted that 31 states have racial profiling laws. Iowa does not and many think this impacts disparity.

Over the last three years, a number of advocacy groups have met to draft anti-racial profiling legislation tailored to Iowa. A bill was filed with the help of Senator Janet Peterson and passed out of the Judiciary Committee. It was one vote shy of passing in the Iowa Senate.

Since then, modifications have been made to incorporate suggestions from law enforcement and other stakeholders. Russell Lovell, Associate Dean and Professor at Drake University School of Law, presented information contained in SF2173 and the proposed amendments. The legislation included definitions, data collection, and complaint remedies.

VI. Research on Issues from Governor's Working Group

Kile Beisner reviewed that during the May meeting, this Council decided to prioritize several issues for further research by CJJP. This research was provided in the meeting packet and included local and national efforts and best practices. It was presented in order of priority, as follows:

¹According to Roberts Rules of Order, a second is not required on a nomination. See Article 11-B Nominations and Elections http://westsidetoastmasters.com/resources/roberts_rules/chap12.html

1. Key Eyewitness ID Reform

Lanette Watson reviewed information regarding Key Eyewitness Identification Reform. Part of the research included recommendations from the Innocence Project, which were submitted to the Governor's Working Group (GWG) in the fall of 2015. Research indicates that there are a number of defendants who are wrongfully convicted through eyewitness identification, yet later exonerated through DNA testing.

The Council held a lengthy discussion on whether law enforcement agencies have written policies and procedures in place and the number of agencies informed on best practices. It was noted that the Department of Public Safety has established written policy and procedures, however, they are not binding on local law enforcement agencies.

Kurt Swaim reported on his recent attendance at a national eyewitness reform seminar. One of the presenters (a Chief of Police from the Boston area) volunteered to come to Iowa at no cost to talk with law enforcement. Swaim noted the effects of wrongful convictions on defendants and their families, the cost of overturning those wrongful convictions, as well as issues related to public safety and justice.

Swaim noted that Michelle Feldman with the Innocence Project has also offered to come to Iowa at no cost. Feldman could provide information on best practices and what has been done in other states.

Other discussion centered on the best way to proceed. Beisner will contact the Innocence Project to determine the potential for a future presentation. The Council discussed the potential of conducting a law enforcement survey to determine what written policies/procedures are currently in place across the state. Discussion included that the most efficient way to conduct the survey would be to contact statewide law enforcement associations. It was determined that perhaps staff from the Innocence Project could provide detail as to how other states have surveyed for this information.

2. Anti-Racial Profiling

Beisner reported that most of the information contained in the report had already been presented earlier by Andrews and Lovell. She did note that according to a NAACP national report, Connecticut and Rhode Island are two states that have implemented the most comprehensive anti-racial profiling laws.

Andrews and Russell addressed concerns regarding Iowa's number one ranking for African-American drug-related arrests and that having racial profiling legislation could help to identify system issues. The proposed legislation follows closely to what was instituted in Connecticut. Lovell explained the difference of racial profiling compared to suspect descriptions/identification.

Members discussed the following concerns:

- Iowa is one of 13 states that do not have anti-racial profiling laws;
- legislation should not interfere with the ability of law enforcement to do their jobs;
- and data collection.

Mark Lowe, Iowa Department of Transportation, reported that it would be better to gather data through the driver's license system rather than the TraCS system (which would require law enforcement officers to guess as to a person's race/ethnicity). However, it would take a number of years to collect individual information due to the currently issued 5-8 year span for driver's licenses. He noted the importance of having this information available for data analysis regarding traffic accidents, arrests, and other research projects. Watson noted issues with state border communities and whether out-of-state licenses indicated race/ethnicity.

Lettie Prell suggested consideration be given to support anti-racial profiling legislation, but leave the contents up to lawmakers. Several members agreed.

Prell moved to recommend the legislature enact anti-racial profiling legislation, seconded by Tom Ferguson. There was no further discussion and the motion passed unanimously.

3. Statewide Policy for Custodial Interrogations

Discussion focused on whether law enforcement agencies have policies/procedures in place related to custodial interrogations. DPS has a policy in place, but there are no statewide data available to determine the number of local law enforcement agencies that follow that policy nor are they bound to do so. A 2011 survey found that 99% of Iowa law enforcement agencies are utilizing recording equipment. And most recently, as costs become affordable, more and more agencies are using body cameras, although many lack written policies on recording equipment overall.

VII. Additional Issues for Next Meeting

Beisner advised that she will contact the Innocence Project to obtain more information. Annual reports (legislation monitoring and five-year plan update) will be due to the General Assembly on December 1. Draft reports will be sent prior to the November meeting and reports will be approved during the meeting..

VIII. Adjournment

The meeting adjourned at 12:14 pm.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights